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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/614,489	07/11/2000	Andrew G. Swales	LAN01	2052

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EXAMINER

DINH, KHANH Q

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 08/07/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/614,489

Applicant(s)

SWALES, ANDREW G.

Examiner

Khanh Dinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 9-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 13-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-24 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2, 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Claims 1-24 are presented for examination.

Election/Restriction

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-8 and 13-24, drawn to a system for field replacement of network devices, classified in class 709, subclass 220.
 - II. Claims 9-12, drawn to a method and system for determining a canonical location of network devices and maintaining a list of IP addresses for each of network devices on a monitor agent, classified in class 709, subclass 224.

The inventions are distinct, each from the other because of the following reasons:

3. Inventions I and II are related as subcombinations disclosed as usable together in a combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as to a system for field replacement of network devices, classified in a *different Class/Subclass*. Invention II has separate utility such as a method and system for for determining a canonical location of network devices and maintaining a list of IP addresses for each of network devices on a monitor agent, classified in a *different Class/Subclass*.
4. The inventions are distinct, each from the other, because of the following reasons:
 - (a) These inventions have acquired a separate status in the art as shown by their different classifications.

(b) The search required for each Group is different and not co-extensive for examination purposes.

For example, the searches for the three inventions would not be co-extensive because these Groups would require different searches on PTO's classification class and subclass as following:

the Group I search (claims 1-8 and 13-24) would require use of search **class 709, subclass 220** (not require for the invention II).

the Group II search (claims 9-12) would require use of search **class 709, subclass 224** (not require for the invention I).

For the reasons given above restriction for examination purposes as indicated is proper.

5. During a telephone conversation with Scott Asmus (Reg. No.42,389) on 7/28/2003 a provisional election was made with traverse to prosecute the invention of a field replacement of network devices, claims *1-8 and 13-24*. Affirmation of this election must be made by applicant in replying to this Office action. Claims 9-12 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

6. Therefore, claims *1-8 and 13-24* are presented for the examination.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. Claims are 1-8 and 13-24 rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al., US pat. No.6,601,101.

As to claim 1, Lee discloses a system for field replacement of networked devices, comprising the steps of:

detecting a failed networked device (identifying when a cluster to client communication is idle, see abstract, fig.1b, 2A, col.5 line 48 to col.6 line 38).

replacing said failed device (first interface 1 of fig.5A) with a functioning networked device (second interface 167 fig.5A) (processing a handoff of the communication system) and locating a canonical location said functioning networked device (see figs 3, 5A, col.6 line 39 to col.7 line 55).

issuing an IP address to said functioning networked device, wherein said IP address is identical to the IP address of said failed networked device (see col.10 line 13 to col.11 line 46 and col.20 lines 17-57).

As to claims 2 and 3, Lee discloses a unicast ARP request and periodic ARP requests (see col.6 lines 6-65 and col.15 line 27 to col.16 line 50).

As to claim 4, Lee discloses notifying maintenance personnel of said failed networked device (see col.10 line 13 to col.11 line 46 and col.20 lines 17-57).

As to claim 5, Lee discloses processing a plurality of ARP requests over a time period before indicating said failed networked device (see col.6 lines 6-65 and col.15 line 27 to col.16 line 50).

As to claim 6, Lee discloses requesting a MAC address for said functioning networked device and requesting a port number for said MAC address from a managed switching device, wherein said port number is said canonical location of said functioning networked device (notifying the peer computing devices of each new IP address assignment to each corresponding MAC address, see col.9 line 7 to col.10 line 64 and col.13 line 55 to col.14 line 65).

As to claim 7, Lee discloses identifying a plurality of target devices at said canonical location, comparing said canonical location of said functioning networked device with a database

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containing information of all said networked devices to isolate a single failed networked device at said canonical location (see col.9 line 7 to col.10 line 64 and col.13 line 55 to col.14 line 65).

As to claim 8, Lee discloses that issuing an IP address to said functioning networked device is suppressed if unable to isolate to a single failed networked device (see col.9 line 7 to col.10 line 64 and col.9 line 23 to col.10 line 51).

As to claim 13, Lee discloses a method for detecting a canonical location for a failed network device, comprising the steps of

requesting a MAC address for each of a plurality of networked devices (notifying the peer computing devices of each new IP address assignment to each corresponding MAC address, see abstract, col.9 line 7 to col.10 line 64).

detecting said failed network device; processing said MAC address for said canonical location of said failed network device (identifying when a cluster to client communication is idle, see abstract, fig.1b, 2A, col.5 line 48 to col.6 line 38).

logging said MAC address, said canonical location, and an IP address for said failed network device (see col.10 line 13 to col.11 line 46 and col.20 lines 17-57).

As to claim 14, Lee discloses using a unicast ARP message to a select IP address (see col.6 lines 6-65 and col.15 line 27 to col.16 line 50).

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As to claims 15-17, Lee discloses that the device is based on no responsive from said requesting step, notifying maintenance personnel upon detecting said failed network device and requesting said MAC address is periodic (see col.9 line 7 to col.10 line 64 and col.13 line 55 to col.14 line 65).

As to claim 18, Lee discloses processing said MAC address for said canonical location comprises accessing a database containing a MAC address listing, an IP address listing and a port listing for each of said plurality of networked devices, and wherein a port number represents said canonical location of said failed network device (notifying the peer computing devices of each new IP address assignment to each corresponding MAC address, see col.9 line 7 to col.10 line 64 and col.13 line 55 to col.14 line 65).

As to claim 19, Lee discloses processing said MAC address for said canonical location comprises accessing a database containing a MAC address listing, an IP address listing and a port listing for each of said plurality of networked devices, and wherein a port number represents said canonical location of a plurality of target devices, and said IP address of said failed network device is determined by locating a single failed target device at said canonical location (see figs. 4A, 4B, 5B, col.9 line 7 to col.10 line 64 and col.13 line 55 to col.14 line 65).

As to claim 20, Lee discloses an apparatus for the automatic configuration of networked devices, comprising:

a network interface interconnecting said networked devices (see 22 fig.5A, abstract, col.6 line 39 to col.7 line 64)

a means of detecting said networked devices and a means of determining a canonical location of said networked devices (notifying the peer computing devices of each new IP address assignment to each corresponding MAC address, see abstract, col.9 line 7 to col.10 line 64).

a monitor agent connected to said network interface, wherein said monitor agent issues an IP address to each of said networked devices and records a MAC address for each of said networked devices and wherein said monitor agent maintains a list of each said IP address and each said MAC address (notifying the peer computing devices of each new IP address assignment to each corresponding MAC address, see col.9 line 7 to col.10 line 64 and col.13 line 55 to col.14 line 65).

As to claim 21, Lee discloses processing a new IP address for a new networked device, wherein said new IP address does not conflict with said list of each said IP address maintained by said monitor agent (see figs.4A, 4B, col.9 line 7 to col.10 line 64 and col.20 line 9 to col.21 line 61).

As to claim 22 and 23, Lee discloses a periodic unicast ARP request and processing a port number for said MAC address from a managed switching device (see figs. 4A, 4B, 5B, col.9 line 7 to col.10 line 64 and col.13 line 55 to col.14 line 65).

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As to claim 24, Lee discloses determining a canonical location of said networked devices comprises a means of processing a plurality of target devices at said canonical location see col.9 line 7 to col.10 line 64 and col.13 line 55 to col.14 line 65).

Other prior art cited

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Coile et al., US pat. No.6,108,300.
- b. Borella et al., US pat. No.6,567,405.
- c. Ferguson et al., US pat. No.6,532,241.
- d. Nessett et al., US pat. No.6,055,236.
- e. Dantu et al., US pat. No.6,532,088.

Conclusion

- 9. Claims 1-8 and 13-24 are rejected.
- 10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (703) 308-8528. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam Hosain, can be reached on (703) 308-6662. The fax phone numbers for this group are:

After Final: (703) 746-7238

Official: (703) 746-7239


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Non-Official/ Draft: (703) 746-7240.

A shortened statutory period for reply is set to expire THREE MONTHS from the mailing date of this communication. Failure to response within the period for response will cause the application to become abandoned (35 U.S. C . Sect. 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(A).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305 -9600.

Khanh Dinh
Patent Examiner
Art Unit 2155
August 4, 2003


HOSAIN T. ALAM
PRIMARY EXAMINER